

### REMARKS

Favorable reconsideration of this application as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-18 are pending in this case. Claims 9-18 are new. Claims 1-8 have been amended by the present Amendment. Support for amended Claims 1-8 and new Claims 9-18 can be found in the original specification, claims, and drawings.<sup>1</sup> No new matter is added.

In the outstanding Office Action, Claims 1-8 were rejected under 35 U.S.C. § 102(b) as anticipated by Kuno et al. (U.S. Patent No. 6,378,031, hereinafter "Kuno").

In response to the rejection of Claims 1-8 under 35 U.S.C. § 102(b) as anticipated by Kuno, Applicants respectfully submit that amended independent Claim 1 recites novel features clearly not taught or rendered obvious by the applied references.

Amended independent Claim 1 is directed to a recording apparatus configured to generate an index file for each content file to be recorded to a recording medium including, *inter alia*, the information adding unit is further configured to continuously provide entry areas in which the flag indicating invalidity is set in a physical area in which the index file can be continuously recorded, and to write invalid data in the entry areas before said each content file is recorded first to the recording medium.

Turning now to the applied reference, Kuno describes a data processing apparatus and file management method in which each piece of data in one of a plurality of blocks is recorded as a data portion on a disk medium. Further, continuous ID numbers are assigned to the individual continuous blocks, and each of the assigned ID numbers is stored in the ID portion of a sub-code portion. Address information indicates the recording position of the

---

<sup>1</sup> See page 19, line 16 to page 20, line 8 of the specification and Figures 7, 8, 10, and 12.

head of at least the next block and is stored in a link portion of the sub-code portion. The sub-code portion is recorded together with the data portion of the block on the disk medium.<sup>2</sup>

However, Kuno fails to teach or suggest that an “information adding unit is further configured to continuously provide entry areas in which the flag indicating invalidity is set in a physical area in which the index file can be continuously recorded, and *to write invalid data in the entry areas before said each content file is recorded first to the recording medium,*” as in Applicants’ amended independent Claim 1. In Kuno, as seen in Step S3 of Figure 4, if the free area is larger than a designated block size, a central processing unit 4 writes data in the file information 31 and then records “true” in a write-open flag.<sup>3</sup> In contrast, in Applicants’ amended independent Claim 1, an information adding unit continuously provides entry areas in which a flag indicating invalidity is set in a physical area in which the index file can be continuously recorded and the information adding unit writes invalid data in the entry areas *before* each content file is recorded first to the recording medium.

Further, in Kuno, “true” or “false” is recorded in a write-open flag 31g. As seen in Figure 3 of Kuno, the write-open flag 31g is contained in the ID portion 32, not the data portion 30b. In contrast, in Applicants’ amended independent Claim 1, invalid data is written into entry areas of the recording medium (i.e. the content section of the medium, not the header section of the recording medium).

Since Kuno does not teach or suggest each and every element of Claim 1, Claim 1 is not anticipated by Kuno and is patentable thereover.

Claims 2-4 and 9-13 are dependent from Claim 1, which Applicants respectfully submit is patentable. Thus, Claims 2-4 and 9-13 are also believed to be patentable for at least the reasons stated above.

---

<sup>2</sup> See the abstract of Kuno.

<sup>3</sup> See Kuno at column 12, lines 32-34 and lines 52-55.

Amended independent Claim 5 is directed to a recording method for generating an index file for each content file to be recorded to a recording medium including, *inter alia*,

...***continuously providing entry areas*** in which the flag indicating invalidity is set in a physical area in which the index file can be continuously recorded; and

writing invalid data in the entry areas ***before said each content file is recorded*** first to the recording medium.

As stated above with respect to amended independent Claim 1, Kuno fails to teach or suggest an information adding unit configured to continuously provide entry areas in which the flag indicating invalidity is set in a physical area in which the index file can be continuously recorded, and to write invalid data in the entry areas before said each content file is recorded first to the recording medium. Accordingly, Applicants respectfully submit that Kuno also fails to teach or suggest a recording method including, *inter alia*, continuously providing entry areas in which the flag indicating invalidity is set in a physical area in which the index file can be continuously recorded; and writing invalid data in the entry areas before said each content file is recorded first to the recording medium.


Thus, Applicants respectfully submit amended independent Claim 5 and all claims depending therefrom are patentable over Kuno.

Accordingly, Applicants respectfully request the rejection of Claims 1-8 under 35 U.S.C. § 102(b) be withdrawn.

Consequently, in view of the present amendment, and in light of the above discussion, the pending claims as presented herewith are believed to be in condition for formal allowance, and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



Bradley D. Lytle  
Attorney of Record  
Registration No. 40,073

Customer Number  
**22850**

Tel: (703) 413-3000  
Fax: (703) 413-2220  
(OSMMN 06/04)

Michael E. Monaco  
Registration No. 52,041